HON'BLE MR. JUSTICE BILAL NAZKI
AND
HON'BLE MR. JUSTICE NOOTY RAMAMOHANA RAO

W.P.NO. 22452 OF 2004

Dt. 24.4.2007

Between:

K. Eswaramma and others

…Petitioners

Vs

Namani Vamana Murthy and others

…Respondents

HON'BLE MR. JUSTICE BILAL NAZKI
AND
HON'BLE MR. JUSTICE NOOTY RAMAMOHANA RAO

W.P.NO. 22452 OF 2004

ORDER: (Per Hon'ble Mr. Justice Bilal Nazki)

A land grabbing case was filed being LGC No. 114/96 by one Nemmani Vamana Murthy and Gummadi Enterprises represented by its proprietor, G. Madhusdhan Rao against four respondents. Respondents 5 to 15 were later impleaded on an application being I.A.No. 193 of 1997. The application was filed on the ground that they were owners of the land which had been grabbed by the respondents, therefore they sought a decree of eviction,

as according to them, the land belonging to them had been grabbed. A decree was passed on 4.12.1998. This decree was challenged by way of this writ petition which has been filed in 2004. Six years have passed. No where in the writ petition the petitioners have claimed that the land belongs to them, they have only contended that they are in possession for a decade, have constructed their houses and have been paying property tax, ration cards have been issued in their favour, electricity and water connections have been sanctioned. They contended that for the first time on 10.11.2004 they came to know that a decree had been passed with respect to the land of which they are possessors and after collecting the papers, they filed the writ petition. Without going into the merits of the case, it appears that this writ petition has been filed suppressing certain important and vital facts.

The respondents in their counter-affidavit stated that some petitioners were claiming themselves as members of Ramakrishna Nagar Weaker Section Welfare Association and they have also filed a suit being O.S.No. 1067 of 2004 on the file of the Principal Senior Civil Judge, Ranga Reddy district at L.B. Nagar for the purpose of injunction. Having failed to obtain temporary injunction in the suit, they filed a writ petition being W.P.No. 14856 of 2004 before the High Court. That writ petition has already been decided.

Additional affidavit was filed by the petitioner No.1 in

which it was denied that the petitioners had filed a suit being O.S.No. 1067 of 2004 before the Principal Senior Civil Judge, Ranga Reddy District. They also stated that the petitioners were not aware of filing of a suit or writ petition, which were filed in the name of Ramakrishna Nagar Weaker Section Welfare Association. That fact is not in dispute. Now the only dispute is whether the petitioners have filed any another writ petition. The respondents have filed a copy of resolution, dt. 1.8.2004 passed by the Ramakrishna Nagar Weaker Section Welfare Association. This resolution reads as under,

> "It is hereby resolved by the Executive Body on this the 01st day of August 2004, with absolute majority to authorize the General Secretary Smt. Usha to represent the Ramakrishna Nagar Weaker Section Welfare Association in all the cases filed by and against the Welfare Association and to work in the interest of the Welfare Association."

A list of members of Ramakrishna Nagar Weaker Section Welfare Association has also been filed. We have compared the list with the list of the petitioners and all the petitioners are members of the association. W.P.No. 14856 of 2004 has been decided by this Court on 28.9.2004. The Court passed, *inter alia,* the following order,

> "Be it as it may, the very writ petitioner herein together with some of its alleged members filed O.S.No. 1067 of 2004 on the file of the learned Principal Senior Civil Judge,

Ranga Reddy District against the 2nd respondent herein as well as the District Collector, Ranga Reddy District and the Mandal Revenue Officer, Qutubullapur for perpetual injunction. The petitioner failed to get temporary injunction in the said suit. Thereafter, the present writ petition is filed on 18.8.2004 challenging the decision of the Special Court rendered in L.G.C.No. 114 of 1996 which has attained finality vide the judgment of this Court dated 26.9.2002 in W.P.No. 19937 of 2000. The conduct of the petitioner is eloquent and speaks for itself. The petitioner cannot be permitted to pursue parallel remedies. It is more than clear that the petitioner is set up by the respondents in the said L.G.C. who suffered the eviction order. It is required to notice that the judgment in L.G.C.No. 114 of 1996 had received its affirmation in the hands of this Court in W.P.No. 19937 of 2000. The judgment of the Special Court constituted under the provisions of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 is the judgment in rem and its findings are binding even on those who are not impleaded as parties. The petitioner indulged in abuse of judicial process and the writ petition deserves dismissal only on that ground."

Thus it is manifest that on the previous occasion when W.P.No. 19937 of 2000 has been instituted questioning the correctness of the judgment rendered in L.G.C.No.114 of 1996, another Division Bench had gone into the merits of the matter and affirmed the correctness

of the view taken in L.G.C.No.114 of 1996. It is therefore not open to us to re-examine the correctness or otherwise of the judgment rendered by another Division Bench in W.P.No. 19937 of 2000 on 26.9.2002. Instituting yet another writ petition is not the remedy to call in question the correctness or otherwise of the judgment rendered in W.P.No.19937 of 2000. So two Division Benches so far have upheld the order of the Land Grabbing Court and the present writ petition has been filed by the petitioners who are members of the Ramakirshna Nagar Weaker Section Welfare Association who filed W.P.No.14856 of 2004. Therefore, this writ petition cannot be maintained which is only abuse of process of law and is accordingly dismissed. No costs.

WPMP 19644 of 2006 is also dismissed.

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BNJ

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NRRJ

Dt. 24.4.2007
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